

**LAW ENFORCEMENT OFFICERS SAFETY ACT OF 2004  
(18 U.S.C. § 926C)**

**STATE OF HAWAII FIREARM CERTIFICATION POLICY**

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**(1) INTRODUCTION**

18 U.S.C. § 926C provides, in relevant part, that a qualified retired law enforcement officer (“RLEO”) may carry a concealed firearm if the RLEO is also carrying a photographic identification issued by the agency from which the RLEO retired and a certification issued by the State in which the RLEO resides that indicates that the RLEO has, not less recently than one year before the date the RLEO is carrying the concealed firearm, been tested or otherwise found by the State to meet the standards established by the State for training and qualification for active law enforcement officers to carry a firearm of the same type as the concealed firearm.

This policy describes certain requirements that a RLEO must meet to obtain a firearm certification issued by the State of Hawaii.

Before a RLEO may participate in the State of Hawaii Firearm Certification program, the RLEO must be a “qualified retired law enforcement officer” who:

- (1) retired in good standing from service with a public agency as law enforcement officer, other than for reasons of mental instability;
- (2) before such retirement, was authorized by law to engage in or supervise the prevention, detection, investigation, or prosecution of, or the incarceration of any person for, any violation of law, and had statutory powers of arrest;
- (3)(A) before such retirement, was regularly employed as a law enforcement officer for an aggregate of 15 years or more; or
- (3)(B) retired from service with such agency, after completing any applicable probationary period of such service, due to a service-connected disability, as determined by such agency;
- (4) has a nonforfeitable right to benefits under the retirement plan of the agency; . . .
- (6) is not under the influence of alcohol or another intoxicating or hallucinatory drug or substance; and
- (7) is not prohibited by Federal law from receiving a firearm.

18 U.S.C. §926C(c).

After the State verifies that the RLEO meets the requirements of 18 U.S.C. §926C, the RLEO will be allowed to participate in the State of Hawaii Firearm Certification program.

(2) DEFINITIONS

The following definitions shall apply in regard to this policy:

“Firearm” means a 9 mm, .38 caliber, .40 caliber, or .45 caliber firearm that is properly registered in the State of Hawaii to the RLEO seeking certification. An RLEO shall not carry a concealed firearm of any other type without prior written approval by the Attorney General.

“Firearms Instructor” means a person who (a) has a valid and current Law Enforcement Firearms Instructor certification from the National Rifle Association, or who has a valid and current law enforcement firearms instructor from another organization; and (b) has been approved by the Attorney General.

“Law Enforcement Officer” means a person who is a government employee; who is vested with the authority to engage in the supervision, prevention, detection, investigation, prosecution, or incarceration of any person for any violation of the law; and who has the statutory powers of arrest. Third party contracted security officers who are given statutory powers of arrest as part of a contract with a government agency, and active duty armed forces personnel assigned to a military police type unit, are not Law Enforcement Officers for purposes of this policy.

“Range Safety Officer” means a person identified by the Attorney General or Firearms Instructor who is responsible for safety rules of the firing range.

(3) HAWAII STATUTES REGARDING FIREARMS, AMMUNITION, AND DANGEROUS WEAPONS, AND USE OF FORCE

Neither 18 U.S.C. § 926C nor Hawaii law authorizes RLEOs to act as law enforcement officers in Hawaii. RLEOs must follow all Hawaii firearms laws that apply to civilians who are not law enforcement officers, including chapter 134, Hawaii Revised Statutes. RLEOs must follow all Hawaii use of force laws that apply to civilians who are not law enforcement officers, including chapter 703, Hawaii Revised Statutes.

(4) CERTIFICATION TESTING

(a) General Requirements

- (i) Certification testing shall be conducted by a Firearms Instructor and shall be consistent with generally recognized standards of law enforcement firearms training. The format shall be determined by the Attorney General, and shall include the following:

- (A) Firearms proficiency
  - (B) Firearms safety
  - (C) Firearms handling
  - (D) Review of Hawaii statutes regarding firearms, ammunition, and dangerous weapons and use of force
- (ii) A RLEO who resides in Hawaii must reapply for certification annually.
- (iii) A RLEO may take remedial firearms training at the RLEO's discretion and cost.
- (b) Classroom Requirements
  - (i) A RLEO seeking certification shall participate in a minimum of four hours of classroom instruction.
  - (ii) The RLEO shall be given a copy of chapters 134 and 703, Hawaii Revised Statutes, and must demonstrate, by a written test, that the RLEO understands the provisions governing firearms and use of force.
  - (iii) The written test shall be signed by the person scoring the test and the RLEO. The original test shall be given to the Department of the Attorney General and made a part of the RLEO's application file.
  - (iv) The Firearms Instructor shall cover the following items for informational purposes only:
    - (A) Weapons retention
    - (B) Night fire
  - (v) Scoring:

The RLEO must pass the written test with a 90 percent correct score. The RLEO must pass the written test within two attempts. The second attempt must be completed within forty-five days after the first attempt. If the RLEO fails the both attempts, the RLEO may not reapply for certification for one calendar year after the date of the second attempt.
- (c) Firing Range Requirements
  - (i) Familiarization
    - (A) A RLEO seeking certification shall participate in a minimum of four hours of field testing.

- (B) The RLEO is responsible for ensuring that the RLEO's firearm is safe and functional before it is used for certification. Firearms used for certification shall be stock and meet factory specifications. The Firearms Instructor shall check each firearm before it is used for certification. A firearm identified as unsafe or not meeting factory specifications cannot be used until the Firearms Instructor is satisfied that the firearm is safe and fully functional.
- (C) The RLEO shall field strip and clean the firearm if directed to do so by a Firearms Instructor or Range Safety Officer.
- (D) The RLEO shall field strip and properly clean the firearm upon completion of firing.

(ii) Safety Rules

- (A) The RLEO shall enter the range with the firearm unloaded and safely stored in an enclosed container as defined by section 134-25, Hawaii Revised Statutes.
- (B) Upon entering the range, the RLEO shall report immediately to the assigned firing station and bench the firearm with the cylinder/slide in the open position.
- (C) The RLEO shall retrieve the firearm when directed to do so by the Firearms Instructor or Range Safety Officer for familiarization and field stripping. Thereafter, the RLEO shall bench the firearm at the assigned station.
- (D) The RLEO shall point the firearm down range at all times.
- (E) The RLEO shall not move on the firing line at any time unless directed to do by the Firearms Instructor or Range Safety Officer.
- (F) In addition to the safety rules in this policy, the RLEO shall follow all safety rules of the firing range. If the RLEO violates any safety rule in this policy or any safety rule of the firing range, the RLEO may be denied certification.
- (G) If the RLEO fails to follow the directions of a Firearms Instructors or Range Safety Officer, the RLEO may be denied certification.

(iii) Zero-In Firearm

The RLEO should zero-in the firearm before the certification test. The RLEO may zero-in the firearm after the familiarization session.

(iv) Shooting Course

- (A) During the shooting course, the firearm shall be carried in and drawn from a strong-side belt holster that retains the firearm by use of a strap or friction fit.
- (B) The use of eye and ear protection is mandatory.
- (C) If the RLEO handles the firearm improperly or unsafely, the RLEO may be disqualified from proceeding.
- (D) The shooting course requires 50 rounds of ammunition. The ammunition shall comply with section 134-8, Hawaii Revised Statutes. The ammunition shall be of full power for the appropriate caliber and not lighter target loads. The ammunition shall be inspected and approved by the Firearms Instructor before it is used.
- (E) The shooting shall use the B-21 silhouette target. A sample of the B-21 silhouette target is attached at page 10.
- (F) The shooting course shall consist of the following five phases of shooting:

PHASE 1

Distance: Three yard line

Time allotted: 2.5 seconds per firing sequence

Rounds: Nine rounds fired in three separate three round sequences

Positions: Standing

At the three yard line, the RLEO shall have a fully loaded firearm holstered. Reloading may be conducted between firing sequences as necessary. The RLEO shall stand directly in front of the target with both hands held at the RLEO's side. On the first whistle, the RLEO shall side step to the right, draw the firearm, and fire two rounds into the chest area and one round into the head of the target. The RLEO shall then evaluate the target and holster the firearm. On the second whistle, the RLEO shall repeat the above, but side step to the left and fire two rounds to the chest and one round to the head of the target. The RLEO shall then evaluate the target and holster the firearm. On the third whistle, the RLEO shall draw the firearm, step straight back, and repeat the firing sequence as above.

The RLEO shall unload the firearm, holster, and stand with hands behind the RLEO's back.

## PHASE 2

Distance: Five yard line

Time Allotted: 2.5 seconds per firing sequence

Rounds: Six rounds

Positions: Standing support hand only

From the five yard line, the RLEO shall stand at the ready with a fully loaded firearm pointed down range in the support hand only (weak hand, unsupported). On the first whistle, the RLEO shall raise the firearm, sight in, and fire two rounds into the chest area of the target. The RLEO shall evaluate the target and stand at the ready as described above. On the second whistle, the RLEO shall repeat the above firing sequence. The RLEO shall evaluate the target and stand at the ready as above. On the third whistle, the RLEO shall repeat the above firing sequence. The RLEO shall then evaluate the target, transfer the firearm to the dominant hand, and unload and holster the firearm.

## PHASE 3

Distance: Five yard line

Time Allotted: 3.5 seconds per firing sequence

Rounds: Twelve rounds

Positions: Standing, natural point shoulder

At the five yard line, the RLEO shall have a fully loaded firearm holstered. On the first whistle, the RLEO shall side step right, draw, and fire two rounds to the chest and one round to the head of the target. On the second whistle, the RLEO shall repeat the above. On the third whistle, the RLEO shall side step left, draw, and fire two rounds to the chest and one to the head of the target. On the fourth whistle, the RLEO shall repeat the above, then unload and holster the firearm.

## PHASE 4

Distance: Seven yard line

Time Allotted: 4.0 seconds per firing sequence

Rounds: Eight rounds

Positions: Standing, natural point shoulder

At the seven yard line, the RLEO shall have a fully loaded firearm holstered. On command, the RLEO shall turn to the RLEO's right and face 90 degrees from the target. On the first whistle, the RLEO shall place the RLEO's hand on the holstered firearm, pivot to face down range, identify the target, draw, and fire two rounds to the chest area of the target. On command, the RLEO shall holster the firearm, turn right, and make ready. On the second whistle, the RLEO shall repeat the above sequence. On command, the RLEO shall turn to the RLEO's left and face 90 degrees from the target. On the third whistle, the RLEO shall place the RLEO's hand on the firearm, pivot to face down range, identify the target, draw, and fire two rounds to the chest area of the target. On command, the RLEO shall holster the firearm, turn left, and make ready. On the fourth whistle, the RLEO shall repeat the above sequence. The RLEO shall then unload and holster the firearm and stand with hands behind the RLEO's back.

## PHASE 5

Distance: Fifteen yard line

Time Allotted: 65 seconds with the starting time on the first whistle and cease firing on the second whistle.

Rounds: Fifteen rounds

Positions: Standing behind cover, alternating right and left side cover

Reloading: Shooter reloads as needed per firearm used. Reloading is part of the time allowed.

At the fifteen yard line, the RLEO shall have a fully loaded firearm holstered. On the first whistle, the RLEO shall side step behind cover, draw the firearm, and fire five rounds standing from the right side of cover, re-loading as needed. The RLEO shall then shift to the left side of cover and fire five rounds from the left side. The RLEO shall then shift back to the right side of cover and fire five rounds from the right side again. The RLEO shall reload as needed according to the weapon type. When the RLEO completes this phase, the RLEO shall unload and holster the firearm and stand with hands behind the RLEO's back facing down range behind cover.

### (v) Scoring

To pass the shooting course, the RLEO must fire exactly 50 rounds, and each of the 50 rounds must strike the black silhouette area of the target, and no less than 45 rounds must strike within the 5X scoring area ("coke



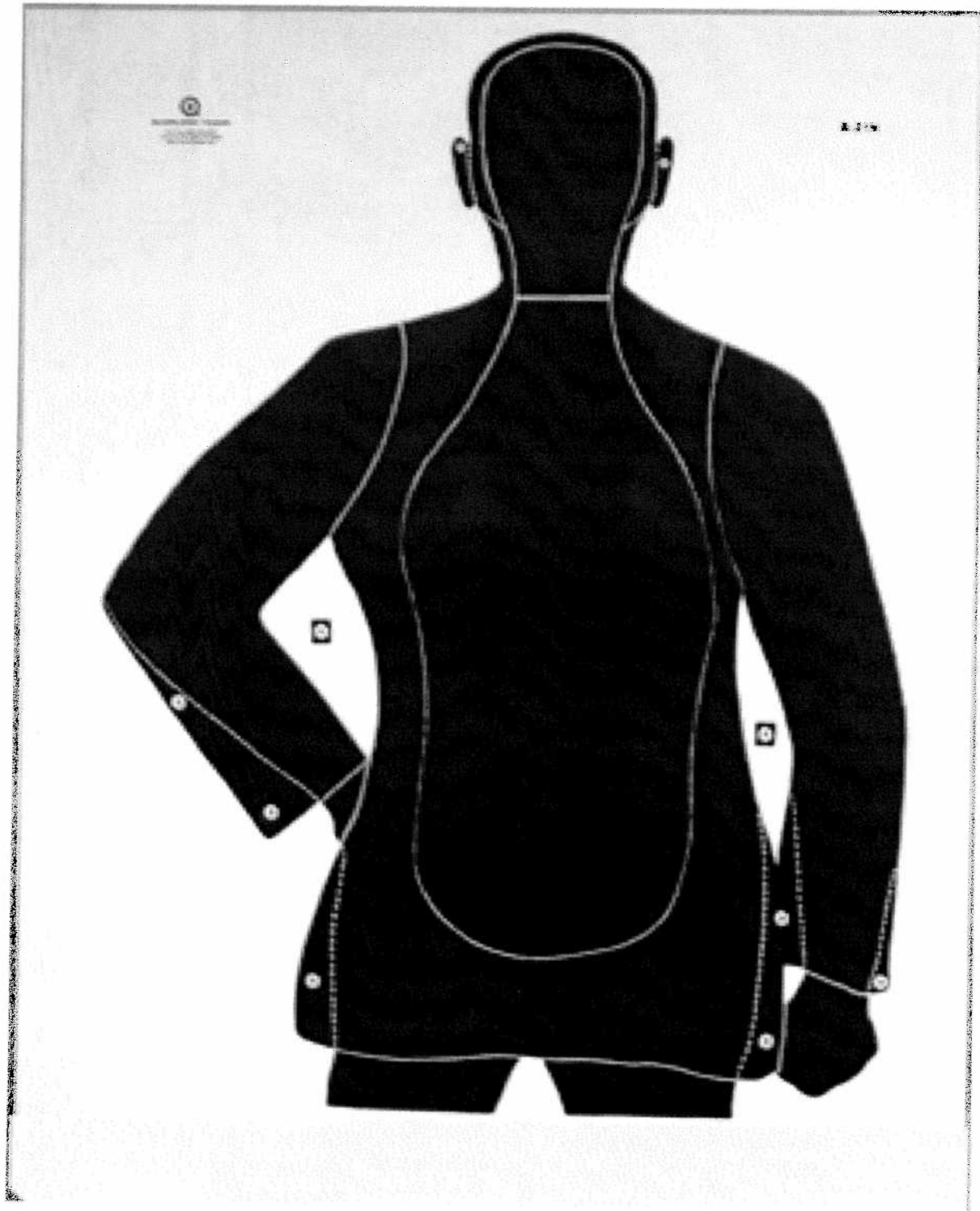
bottle”) or the head area of the target. If any round strikes outside of the black silhouette area, the RLEO shall fail the course.

The RLEO must pass the shooting course within two attempts. The second attempt must be completed within forty-five days after the first attempt. If the RLEO fails the both attempts, the RLEO may not reapply for certification for one calendar year after the date of the second attempt. All cost related to retaking the shooting course shall be paid for by the RLEO.

Summary of firearm certification shooting course

PHASE	YARD LINE	ROUNDS	SEQUENCE	TIME	REMARKS	REPETITIONS	TOTAL RDS
1	3 Yards	3	Draw & fire 2 rds chest and 1 rd head	2.5 Sec	Standing	3 times	9
2	5 Yards	2	Fire 2 rds from the ready	2.5 Sec	Support hand only	3 times	6
3	5 Yards	3	Draw & fire 2 rds chest and 1 rd head	3.5 Sec	Standing natural point	4 times	12
4	7 Yards	2	Draw & fire 2 rds to the chest	4 Sec	Standing natural point	4 times	8
5	15 Yards	15	Draw and fire 15 rds to the chest	65 Sec	Standing behind cover. 5 rds right of barricade, 5 rds left of barricade, and 5 rds right of barricade again.	1 time	15

Sample of B-21 Silhouette target



(5) MEDICAL EXAMINATION

A medical examination, performed by a licensed Hawaii physician, is required with the initial application for certification and every two years after the initial certification. The physician must certify that the RLEO, in the RLEO's current physical condition, is capable of carrying and using a concealed firearm.

(6) REVOCATION OF CERTIFICATION FOR VIOLATION OF 18 U.S.C. §926C(c)(6)

18 U.S.C. §926C(c) provides that "qualified retired law enforcement officer" means, in relevant part, "an individual who . . . is not under the influence of alcohol or another intoxicating or hallucinatory drug or substance". For purposes of this policy, to be "under the influence of alcohol or another intoxicating or hallucinatory drug or substance" means to have any amount of alcohol or another intoxicating or hallucinatory drug or substance in the blood or breath. This is consistent with the standard established by the State of Hawaii for active law enforcement officers.

A RLEO who has any amount of alcohol or another intoxicating or hallucinatory drug or substance in the blood or breath while carrying a concealed firearm is not a "qualified retired law enforcement officer" and shall immediately surrender the RLEO's State of Hawaii Firearm Certification Card to a duly sworn law enforcement officer or the Attorney General or the Attorney General's designee. The RLEO may be subject to seizure of firearm, arrest, and prosecution.

The State of Hawaii Firearm Certification Card of a RLEO who refuses to submit to a blood or breath test when requested to do so by a law enforcement officer shall be revoked immediately.

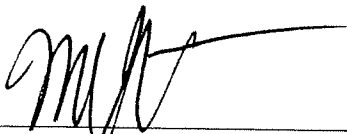
(7) COSTS

All costs related to firearm certification shall be paid by the RLEO.

(8) AMENDMENTS

Any amendment to this policy must be approved by the Attorney General.

APPROVED:



Mark J. Bennett  
Attorney General of Hawaii

APR 10 2008

Date